FOR ARGUMENT

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No. 93-1318

Supreme Court, U.S.
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In The

Supreme Court of the United States

October Term, 1994

INTERSTATE COMMERCE COMMISSION,

Petitioner,

v.

TRANSCON LINES, et al.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

SUPPLEMENTAL BRIEF OF RESPONDENTS

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Pursuant to Rule 25.5 of this Court, Respondents submit this supplemental brief to add a citation in response to the argument of Petitioner that appears in footnote 5 at page 3 of Petitioner's reply brief, dated August 1994.

That footnote 5 cites the Administrative Orders Review Act, 28 U.S.C. §2341 *et seq.* (the "Hobbs Act"). Petitioner did not cite the Hobbs Act in Petitioner's certiorari petition or in Petitioner's opening brief on the merits.

In response to Petitioner's citation to the Hobbs Act, Respondents submit the following supplemental authority: *Plum Run Service Corp. v. United States (In re Plum Run Service Corp.)*, 167 B.R. 460, 464-65 (Bankr. S.D. Ohio 1994) (discussing effect of 28 U.S.C. §1334(b) on a statute that is analogous to 28 U.S.C. §2342). This supplemental authority appeared in the July 20, 1994 supplement to West's Bankruptcy Reporter, after the filing of our Respondents' brief on the merits.

The *Plum Run* case supplements the following citations that already appear in our Respondents' brief on the merits: (1) *Gumport, Trustee v. ICC (In re Transcon Lines)*, 147 B.R. 770 (Bankr. C.D. Cal. 1992) (cited at page 10 of our brief and rejecting, at 147 B.R. 774, the Hobbs Act

argument of the ICC), and (2) the additional citation at Part X, page 46 of our brief (rejecting the Hobbs Act argument of the ICC on an alternative ground).

Respectfully submitted,

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August 15, 1994